



FOR CLERK USE ONLY
City Council

Item No.

8

CITY COUNCIL AGENDA FACT SHEET

Community Development Svc.

Department

February 2, 2010

Requested Date

1. Request:

Council Approval

☒Information Only/
Presentation☐

Other (specify)

☐

Hearing

☐**2. Requested Action:**

Adopt Ordinance adding the R2 Zoning Classification, a Medium Density Residential Category, and related implementing regulations to Title 17 of the Municipal Code.

3. Fiscal Impact:

Revenue:

Increase

☐

Source:

Decrease

☐

Amount:

\$

Cost:

Increase

☐

Source:

Decrease

☐

Amount:

\$

Does Not Apply

☒**4. Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

By:

Comments:

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐

Reviewed by: City Clerk

City Manager

Date

Date

CITY COUNCIL AGENDA REPORT

SUBJECT: ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, ADDING THE R2 ZONING CLASSIFICATION, A MEDIUM DENSITY RESIDENTIAL CATEGORY, AND RELATED IMPLEMENTING REGULATIONS TO TITLE 17 OF THE MUNICIPAL CODE.

AGENDA DATE: FEBRUARY 2, 2010

**PREPARED BY: Jennifer M. Lyon, City Attorney
Armando Villa, Community Development Director**

APPROVED FOR AGENDA BY: Victor Carrillo, City Manager

RECOMMENDATION: Adoption of ordinance by way of title only, waive full reading.

FISCAL IMPACT: N/A

ENVIRONMENTAL REVIEW: On May 1, 2007, by Resolution 07-83, the City Council certified an Environmental Impact Report, adopted a Statement of Overriding Considerations and adopted the 2007 General Plan Update. The proposed zoning amendment is consistent with, and implements, the land use designations and regulations identified in the 2007 General Plan and analyzed in the General Plan EIR. Therefore, pursuant to CEQA Guidelines sections 15162, 15168 and 15183, no further environmental review is required. This action is also being taken in conjunction with the rescission of the land-use entitlement approvals for the Megapark development project, therefore this proposed action will have significantly less environmental effects than the formerly proposed development of approximately 155 acres of the Megapark project.

BACKGROUND INFORMATION: (Prior action/information)

The City Council adopted the 2007 General Plan Update by Resolution No. 07-83 on May 1, 2007. The General Plan discusses a land use category called Medium Density Residential and designates certain land within the City (including the Megapark land) within such category. However, the current zoning code does not contain a Medium Density Residential Zoning category or a category of residential zoning that permits the type and intensity of development contemplated by the General Plan's Medium Density Residential designation.

DISCUSSION (Current consideration):

The action before the City Council is to consider approving a zoning text amendment. The proposed zoning text amendment would create a new residential zone called "R-2" which is consistent with the Medium Density Residential designation that has existed in the City's General Plan since the update was approved in 2007. The proposed zone was created, discussed and analyzed as part of the City's 2007 General Plan Update process which included environmental review. The proposed amendment merely effects what was approved by the City in the 2007 General Plan Update. The creation of the "R-2" zone which is consistent with the General Plan is also necessary so that the rescission of the Megapark entitlements can be finalized and the Megapark land can be zoned consistent with the General Plan.

Therefore, in order to ensure consistency between the type and intensity of uses identified in the General Plan and those found in the City's Zoning Code, a new residential category must be established and implementing regulations adopted. The addition of the R2 residential zoning category is consistent with the policies, goals, objectives, densities and permitted uses identified in the General Plan. In the 2007 General Plan, Land Use element, the City Council approved a Medium Density Residential designation. The zoning code, as proposed to be amended, would add a medium density residential category, R2, and would add criteria and regulations for development of property located with R2 zones. The criteria and regulations in the zoning amendment incorporate the policies, goals and objectives of the General Plan. The proposed zone change is also consistent with the General Plan as amended, including the Housing Element (as amended.)

The proposed Zone Change No. 2009-02 will not be detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City. Nor will the zone change be injurious to the property or improvements in the neighborhood or within the City. The proposed amendments would not permit land uses, densities, or development patterns that would jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of adding the R2 zoning designation and no development within the zone is currently contemplated. Any future development within the R2 zone will be required to comply with the applicable regulations and environmental review.

The Planning Commission considered this matter on January 4, 2010 and recommended that the Council approve this ordinance. After the Planning Commission approved this matter, the City sent the required notice to adjacent property owners and published notice of this meeting as required by law.

Recommendation: It is recommended that the City Council adopt the attached

ordinance for a zoning text amendment to add the R-2 zone to the Calexico Municipal Code.

Attachments:

1. Draft Ordinance with Exhibit A "Title 17 zoning amendment"

Agenda Item No. ____

Page ____ Of ____

EXHIBIT "A"

Chapter 17.03 RESIDENTIAL ZONES

17.03.100 Purposes.

17.03.110 Permitted and conditional uses--R zones.

17.03.120 Property development standards--R zones.

17.03.125 R-1 zone--Improvement on more than forty percent of lots.

17.03.130 Performance standards--R zones.

17.03.140 Accessory structures--R zones.

17.03.150 Walls and fences--R zones.

17.03.160 Signs--R zones.

17.03.100 Purposes.

In addition to the objectives outlined in Section 17.01.110, Purpose and scope, the residential zones are included in the zoning regulations to achieve the following purposes:

A. To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the general plan and with sound standards of public health, safety and welfare.

B. To ensure adequate light, air, privacy, and open space for each dwelling.

C. To minimize traffic congestion and to avoid the overloading of public services and utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them.

D. To protect residential properties from noise, illumination, unsightliness, odors, smoke and other objectionable influences.

E. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

RR Residential Rural Zone. This zone is intended as an area for very low density residential uses with minimum lot sizes of one acre and maximum densities of one unit per net acre. It is intended to permit the continuation of agricultural and farm uses while allowing the development of single family residential. Additional uses are permitted that are complimentary to, and can exist in harmony with, a rural residential neighborhood.

R-1 Residential Single Family Zone. This zone is intended as an area for single family residential development on minimum lot sizes of six thousand square feet and maximum

densities of six units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential neighborhood.

RC Residential Condominium Zone. This zone is intended as an area for the development of residential condominiums with provisions for adequate light, air, open space and landscaped areas at a maximum density of twenty units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential condominium development.

RA Residential Apartment Zone. This zone is intended as an area for the development of residential apartments with provisions for adequate light, air, open space and landscaped areas at a maximum density of thirty units per net acre. Additional uses are permitted that are complimentary to, and can exist in harmony with, a residential apartment development. (1992 zoning ord. (part))

R2 Zone. This zone provides for the development of a mix of residential dwelling units, including single family detached homes, mobile homes, patio homes, duplexes and town homes. The purpose of this zone is to bridge the gap between traditional single family detached units on large parcels and attached owner-occupied units.

17.03.110 Permitted and conditional uses--R zones.

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation; the symbol "X" indicates prohibition:

	RR	R-1	RC	RA	R2
A. Residential Uses					
1. Single-family dwellings	P	P	P	P	P
2. Two-family dwellings	X	C	P	P	P
3. Guest dwellings or accessory living quarters	P	C	P	P	P
4. Second single-family dwelling on the same lot as an existing single-family dwelling (See Section 17.03.130(A)(3))	C	C	C	C	C
5. Mobilehomes on individual lots, and permanent foundations which are certified under the National Mobilehome Const. and Safety Standards Act of 1974 and which were constructed after Oct. 1976	P	P	X	X	X
6. Group residential, including but not limited to boarding or rooming homes, dormitories, retirement homes	X	C	C	C	C
7. Multiple dwellings:					
a. Rental	X	X	P	P	C
b. Condo conversions	X	X	C	X	X
8. Second-kitchen dwelling unit	X	C	X	X	X

9. Second-kitchen granny flat	PC	PC	PC	PC	PC ¹
B. Agricultural Uses					
1. All types of horticulture only for residential use	P	P	P	P	P
2. Animal grazing and raising commercial or noncommercial, only when said property is vacant and 1 acre or greater in size	P	C	C	C	X
3. 4-H or FFA animal raising and/or keeping in accordance with Section 17.11.120	P	X	X	X	X
4. The wholesaling of products raised on the premises, only when said property is two acres or greater in size	X	X	X	X	X
5. Keeping of large animals in accordance with Section 17.11.400	P	X	X	X	X
6. Keeping of small animals in accordance with Section 17.11.400 (land must be vacant in Zones R-1 through R2)	P	X	X	X	X
7. Keeping of poultry and adult rabbits for noncommercial purposes in accordance with Section 17.11.400	P	X	X	X	X
8. Riding academies and commercial stables	C	X	X	X	X
9. Kennels, commercial in accordance with Section 17.11.500	C	X	X	X	X
10. Kennels, noncommercial in accordance with Section 17.11.500	C	X	X	X	X
11. The keeping of wild, exotic or nondomestic animals	C	X	X	X	X
12. Large animal hospital	C	X	X	X	X
13. Keeping of beehives:					
a. 1 to 3 beehives	P	X	X	X	X
b. 4 or more beehives	C	X	X	X	X
14. The raising of earthworms providing: a) the area devoted to the raising of earthworms shall not exceed 10% of the minimum lot size permitted in the zone; b) the area devoted to the raising of earthworms shall be no closer than 50 feet from any adjoining residential dwelling; and c) the operation shall be fully enclosed or in an enclosed structure	P	X	X	X	X

¹ A second granny flat shall only be permitted in this zone when the lot is larger than 5,000 square feet and developed with a single family detached home.

C. Public & Semi-Public Uses (see Section 17.03.120(B)(6))					
1. Day nurseries, day care	C	C	C	C	C
2. Convalescent homes (sites must be two net acres or greater in size)	X	C	C	C	C
3. Churches, convents, monasteries and other religious institutions	P	P	C	C	C
4. Educational institutions: public or private schools not including art, business or trade schools and colleges	C	C	C	C	C
5. Public facilities including but not limited to city headquarters, libraries, parks, public offices, substations, reservoirs, pumping plants, and similar installations	P	P	P	P	P
6. Private recreational facilities including but not limited to country clubs, tennis and swim clubs, golf courses, racquetball and handball. Limited commercial uses which are commonly associated and directly related to the primary use are permitted	C	C	C	C	C
D. Home Occupations					
1. Home occupations subject to the provisions of Section 17.11.200	P	P	P	P	P
E. Accessory Uses					
1. Accessory structures and uses located on the same site as a permitted use	P	P	P	P	P
2. Accessory structures and uses located on the same site as a conditional use	C	C	C	C	C
F. Temporary Uses					
1. Temporary uses as prescribed in Section 17.11.120	P	P	P	P	P

(Ord. 1006 § 2, 2003; Ord. 959 § 2, 1996; 1992 zoning ord. (part))

17.03.120 Property development standards--R zones.

Except as otherwise provided, prior to the construction of any building or structure on any lot within the R zones, a development review is required pursuant to Section 17.01.700. The following property development standards shall apply to all land and buildings other than accessory buildings, permitted in their respective residential zones. Any legal lot may be used as a building site, except no building permit shall be issued for a lot size of less than four thousand square feet. Each building site shall have a minimum twenty-foot wide vehicular access to a street.

A. General Requirements. The following requirements are minimum unless otherwise stated.

	RR	R-1	RC	RA	R2
1. Density-maximum units per net acre	0.5--1.0	1.1-5.0	12--20*	20--30*	5.1-12 ²
2. Net lot area (in square feet)	1 acre	6,000	6,000	6,000	6,000 ³
3. a. Lot width (in feet)	110	60 int.; 65 cor.	60 int.; 65 cor.	60 int.; 65 cor.	60 int.; 65 cor.
b. Cul-de-sac or odd-shaped lot width (in feet)	30	30	--	--	30
c. Flag lots	20	20	--	--	20--
4. Lot depth (in feet)	150	100	100 int.	100 int.	100
5. Front yard setback	40	25	25	25	25
6. Side yard setback each side (in feet)	20	5	15	10	5
7. Side yard setback street side (in feet)	20	10	10	15	10
8. Rear setback	50	20	20	10	20
9. Lot coverage, maximum	35%	40%	50%	50%	50%
10. Building and structure height (in feet)	35 feet or 2 stories, whichever is less				
11. Parking spaces per unit in a garage except as noted in Section 17.03.120(B)(9): in the RC, R2 & RA zones carports may be approved by the city council to meet covered requirement	2	2	1.0 spaces (1 garage)/ studios or bedroom unit 1.5 spaces (2 garages)/ 2 bedroom unit 2.0 spaces (2 garages)/ 3 bedroom> unit	1.0 spaces (1 covered)/ 1 studios or 1 bedroom unit 1.5 spaces (1 covered)/ 2 bedroom unit 2.0 spaces (1 covered)/ 3 bedroom> unit	1.0 spaces (1 garage)/ studios or bedroom unit 1.5 spaces (2 garages)/ 2 bedroom unit 2.0 spaces (2 garages)/ 3 bedroom> unit
12. Distances between buildings, not exceeding 15 feet in height	--	--	10	10	10
13. Distance between buildings, where one or more exceed 15 feet in height	--	--	10	10	10

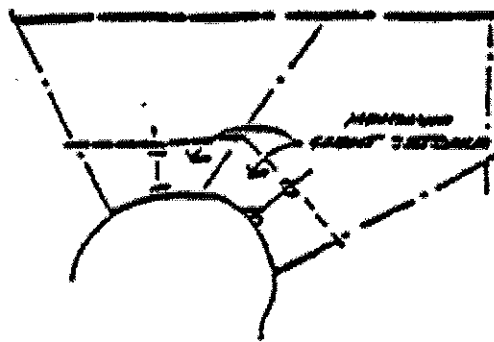
² The maximum density permitted may be increased for affordable housing projects that qualify for a density bonus in accordance with state law.

³ Minimum lot sizes may vary in this zone for planned communities and affordable housing projects provided that the lot size shall only be reduced if appropriate amenities or affordability criteria are met.

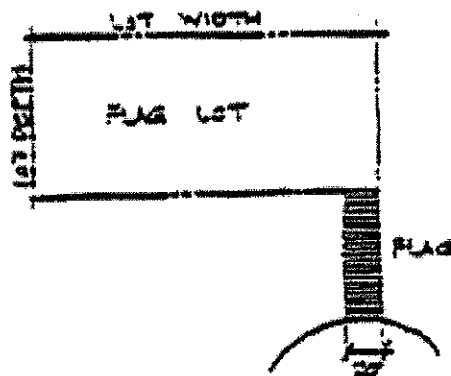
* In the RC, R2 and RA zones, approval of projects at the maximum density shall only be given on the basis that the project exceeds the standards of the zone and the general plan. Any density beyond the maximum of 20 units/acre permitted by the zone will require planning commission and city council approval.

B. Special Requirements. In all residential zones the following special requirements are applicable:

1. Street setbacks shall be measured from the ultimate street right-of-way or the maximum required street width if said street or proposed street is to be private.
2. Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front setback of the zone except for RC, R2 and RA zones. (See example below.)



3. Flag lots shall meet the minimum lot width requirement at the termination of the flag except for the RC, R2 and RA zones. (See example below.)



4. The flag portion of a flag lot shall not be counted toward the minimum lot area requirement.
5. Lot coverage shall include all buildings, structures and accessory buildings and structures. Patio covers, open on three sides, pools, spas and freestanding open air

gazebos and patios shall not count toward the lot coverage requirement.

6. For public and semi-public buildings and uses a minimum of fifty feet landscaped setback shall be maintained from any single-family zone.

7. In RC, R-2 and RA zones, any building exceeding fifteen feet in height shall maintain a minimum setback of fifty feet from any single-family zone; and buildings less than fifteen feet in height shall maintain a minimum setback of twenty-five feet from any single-family zone.

8. New construction of R-1 dwelling units shall include two-car covered garage situated in accordance with zoning setback requirements.

9. Conversion of existing garages into habitable space is permitted when in compliance with the following requirements:

a. Suitable replacement covered off-street parking spaces shall be provided with direct street access;

b. Parking spaces and driveway access shall be improved with asphalt or concrete;

c. Replacement covered parking spaces shall be provided as carport or garage in compliance with zoning regulations for yard setbacks.

10. Exceptions to the garage conversion requirements under Section 17.03.120.(B)(9) a, b, and c may be granted in order to allow the construction of a carport within the front yard setback area of single-family residences located in the R-1 zone that :

a. Were originally constructed with single car garages or carports located behind and adjacent to the front yard setback;

b. Never included garages or carports; or

c. Include single car garages or carports that were legally converted.

11. Qualifying residences may be allowed to construct carports within the front yard setback area subject to the following conditions:

a. Carports shall encroach no more than one half (1/2) the distance into the required front yard setback;

b. Carports shall be attached to the residence and shall be designed to match the architecture of the existing residence;

c. Carport shall be designed and constructed to provide for a minimum of two (2) off-street parking spaces.

C. Second-kitchen dwelling units in R-1 zones shall have the following development standards:

1. Allow second-kitchen dwellings units in the R-1 zone subject to a conditional use permit being issued. Applicable building and other codes, and zoning requirements (building main in building setbacks) except for the density regulation shall apply to accessory apartments.

2. Limit the number of units in a single-family residential lot to not more than two (the

main house and the second-kitchen dwelling unit).

3. Require the second unit to be attached to the existing residence and to be located within the living area of the existing dwelling.

4. Whenever an increase in floor area is involved, it shall not exceed ten percent of the existing living area.

5. Limit the second-kitchen dwelling unit to six hundred forty square feet.

6. Limit occupancy to a maximum of two persons.

7. Require the property owner to reside on the site.

8. Require one additional uncovered or covered off-street parking space. Garage conversions are prohibited unless replacement of covered off-street parking is provided concurrently.

9. The accessory apartment unit shall be exclusively for rental occupancy. Separate sale or ownership of said unit from the primary dwelling on a lot or parcel is prohibited. No lot split.

10. The owner/applicant shall sign an affidavit agreeing to accessory apartment occupancy requirements as stipulated. The affidavit shall include provisions stating that:

a. The owner/applicant consents to inspection of the accessory apartment by the code enforcement officer in order to verify occupancy; and

b. That the owner/applicant shall furnish a new affidavit to said officer upon request (yearly).

D. Accessory second kitchen granny flat units in R-1 zones shall have the following development standards:

1. Allow second-kitchen granny flat units in the R-1 zone subject to a development review permit being issued. Applicable building codes and zoning requirements except for the density regulation shall apply to accessory granny flat units.

2. Limit the number of units in a single-family residential lot to not more than two (the main house and the accessory granny flat unit).

3. Require the accessory granny flat unit to be attached to the existing residence and to be located within the living area of the existing dwelling. Detached structures established by legal permit prior to enactment of this ordinance amendment, may be converted to a granny flat unit.

4. For attached granny flat units, whenever an increase in floor area is involved, it shall not exceed ten percent of the existing living area, or exceed six hundred forty square feet.

5. Limit occupancy to a maximum of two adults:

a. Of which one shall be a minimum of sixty years of age, or have a physical handicap, as defined by the State Health and Safety Code.

- b. Of which one is related to property owner by blood, marriage, or adoption.
- 6. Require the property owner to reside on-site.
- 7. Require one additional uncovered or covered off-street parking space. Garage conversion is prohibited unless replacement of covered off-street parking is provided concurrently.
- 8. The accessory granny flat unit may be rented. Separate sale or ownership of said unit from the primary dwelling on a lot or parcel is prohibited. No lot split.
- 9. The owner/applicant shall sign an affidavit agreeing to accessory granny flat occupancy requirements as stipulated. The affidavit shall include provisions stating that:
 - a. The owner/applicant consents to inspection of the accessory granny flat unit by the code enforcement officer in order to verify compliance with occupancy requirements; and
 - b. That the owner/applicant shall furnish a new affidavit to said officer upon request yearly. (Ord. 1006 § 3, 2003; Ord. 959 § 3, 1996; Ord. 955, 1995; 1992 zoning ord. (part))

17.03.125 R-1 zone--Improvement on more than forty percent of lots.

In blocks in the R-1 residence zone wherein forty percent or more of the lots facing such street have been improved, the setbacks on all remaining lots shall be not less than the average setbacks of the improved lots. A building to be placed upon a building site, located between two existing buildings not more than one hundred feet apart, shall observe not less than the average of the two existing buildings. (Ord. 606 § 2 (part), 1966: prior code § 8152)

17.03.126 R2 zone- -Affordable Housing Lot Size Reduction

Lots of no less than 5,000 square feet may be considered for development of affordable housing projects provided the following criteria are met:

- a. The project is proposed to be developed by a recognized organization that promotes affordable housing;
- b. The project developer verifies that all home sales are to below moderate income purchasers;
- c. The project developer submits information justifying the need for reduced lot size in order to meet affordability criteria; and
- d. The project is consistent with the adopted General Plan Housing Element targeted goals and policies for very-low, low and special needs families.

17.03.130 Performance standards--R zones.

A. In all R zones, the following performance standards shall be met:

- 1. Air conditioners, antennas, heating, cooling ventilating equipment and all other mechanical, lighting or electrical devices shall be so operated they do not disturb the peace, quiet and comfort of neighboring residents and shall be screened, shielded and/or sound buffered from surrounding properties and streets. All equipment shall be installed and

operated in accordance with all other applicable ordinances. Heights of said equipment shall not exceed the required height of the zone in which they are located.

2. Required front and street side yards shall be landscaped and shall consist predominantly of trees, plant materials, ground cover and decorative rocks, except for necessary walks, drives and fences. All required landscaping shall be permanently maintained in healthy and thriving condition, free from weeds, trash and debris.

3. For second single-family units located on the same lot as an existing single-family dwelling the following standards must be met:

a. A deed restriction shall be recorded which states the lot shall not be further divisible and shall list all requirements contain herein.

b. The second unit shall be attached to the main residence by a sound structural means approved by the building department.

c. The second unit shall not exceed one story in height unless it is contained within or an addition to a two-story structure.

d. The second unit shall not encroach into the yard setback area and no variance shall be granted for encroachment into the setback.

e. Second units shall be restricted to homes built prior to January 1, 1991.

4. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with any appropriate screening treatment. Power lines and overhead cables shall be installed underground.

5. The noise level emanating from any residential use or operation shall not exceed 60 dBA CNEL for the RR, R2 and R-1 zones and 65 dBA CNEL for the RC and RA zones, as the acceptable outdoor noise exposure level when measured at the property line. The interior noise levels shall not exceed 45 dBA CNEL for all residential uses.

6. For schools, libraries, churches, hospitals, nursing homes, parks and recreation areas, the outdoor acceptable exposure level shall not exceed 70 dBA CNEL when measured at the property line.

7. Energy conservation buildings shall be located on the site to provide adjacent buildings adequate sunlight for solar access. All new construction and remodeling shall be preplumbed for solar hot water heating. Buildings shall be designed to minimize energy consumption requirements, and may include, but not necessarily be limited to, the following conservation measures:

a. Cogeneration;

b. South facing windows;

c. Eave coverage for windows;

d. Double glazed windows;

e. Earth berming against exterior walls;

f. Green houses; and

g. Deciduous shade trees.

B. In the RC, R2 and RA zones, including the conversion of apartments to condominiums where permitted by Section 17.03.110(A)(7), the following performance standards shall be met:

1. Masonry walls six feet in height, from the highest finished grade, shall be required on the rear and side property lines. No walls are required on street side yards unless needed for noise attenuation and/or privacy.
2. Where a lot fronts on more than one street it shall be considered to have multiple frontages and be required to meet the front yard setback requirement on all street frontages.
3. When a RC, R2 and/or RA lot is adjacent to any single-family zone, a minimum of fifteen feet of landscaping shall be maintained on the RC, R2 and/or RA lot between such uses.
4. A minimum of two hundred square feet of private open area per ground floor unit shall be provided and a minimum of one hundred fifty square feet of private open space for units contained wholly on the second story shall be provided.
5. A minimum of two hundred fifty cubic feet of lockable, enclosed storage per unit shall be provided in the garage or carport area; substitutions may be approved by the planning director.
6. The following recreation facilities shall be provided at a minimum unless waived by the planning commission:
 - a. Landscaped park like quiet area;
 - b. Children's play area;
 - c. Family picnic area; and
 - d. Swimming pool with cabana or patio cover.
7. A minimum of two clothes washers and one clothes dryer per eight dwelling units located conveniently throughout the development.
8. Individual trash areas, screened from view of a roadway, shall be provided for each dwelling unit in the RC zone; conveniently located trash enclosures, per city standards, shall be provided for dwelling units in the R2 and RA zones.
9. A minimum of thirty-five trees per gross acre shall be required as part of the landscaping requirements; twenty percent shall be twenty-four inch box size or larger, seventy percent shall be fifteen gallon size and ten percent shall be five gallon size. Drought tolerant species with low maintenance requirements shall be utilized, where possible.
10. Recreation vehicle parking areas shall be provided, fully screened from view or the development shall prohibit all parking of recreation vehicles. (1992 zoning ord. (part))

17.03.140 Accessory structures--R zones.

A. Accessory Buildings and Structures. Accessory buildings and structures, attached or

detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure, except as provided in this section:

1. Accessory buildings or structures that are attached to the main building shall be allowed to encroach into the required rear yard setback up to one-half of the distance.
2. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.
3. A detached accessory structure may be located within an interior side yard or rear yard; provided, that such structure is located no closer than five feet to an interior side or rear lot line and is at least ten feet from the main structure.

B. Canopies, Patios and Breezeways. Canopies, patios and breezeways attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the yard:

1. Shall not exceed fifteen feet in height or project closer than five feet to an interior side yard or rear lot line.
2. Shall be entirely open on at least three sides for patios and canopies except for necessary supporting columns. A roof connecting main building and an accessory building shall be open on two sides.

C. Other structures, porches, steps, architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls or bay windows may project not more than four feet into any required front or rear yard area, nor into any required side yard area more than one-half of said required side yard. (1992 zoning ord. (part))

17.03.150 Walls and fences--R zones.

A. In any required front yard or side yard adjacent to a street, a wall or fence shall not exceed six feet in height, except as provided in this section:

B. A wall or fence not more than six feet in height may be maintained along the interior side or rear lot lines; provided, that such wall or fence does not extend into a required front yard or side yard adjacent to a street except as provided in this section:

C. A wall or fence adjacent to a driveway or street providing vehicular access to an abutting lot or street shall not exceed thirty-six inches in height within fifteen feet of the intersection of said driveway and the street right-of-way. Corner cut-offs may be required in special circumstances for safety and visibility (see examples below).

D. A wall or fence shall not be constructed in such a manner so as to block or restrict vehicular access to a dedicated or implied dedicated alley, access, or way.

E. A wall or fence may be constructed a minimum distance of five feet from the ultimate right-of-way at a maximum height of five feet when there is no parkway planting area adjacent to the sidewalk. Where there is a parkway planting area adjacent to the curbing no setback is required to construct a fence five feet in height.

F. Fiberglass sheeting, bamboo sheeting or other similar temporary material shall not be permitted as a fencing material on street yard frontages. (1992 zoning ord. (part))

17.03.160 Signs--R zones.

No sign or outdoor advertising structure shall be permitted in any R zone except as provided in Chapter 17.01, Article XI. (1992 zoning ord. (part))

ORDINANCE NO. 2010-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, ADDING THE R2 ZONING CLASSIFICATION, A MEDIUM DENSITY RESIDENTIAL CATEGORY, AND RELATED IMPLEMENTING REGULATIONS TO TITLE 17 OF THE MUNICIPAL CODE.

WHEREAS, the City Council adopted the 2007 General Plan Update by Resolution No. 07-83 on May 1, 2007; and

WHEREAS, the General Plan discusses a land use category called Medium Density Residential and designates certain land within the City within such category; and

WHEREAS, the current zoning code does not contain a Medium Density Residential Zoning category or a category of residential zoning that permits the type and intensity of development contemplated by the General Plan's Medium Density Residential designation; and

WHEREAS, in order to ensure consistency between the type and intensity of uses identified in the General Plan and those found in the City's Zoning Code, a new residential category must be established and implementing regulations adopted; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 4, 2010, and recommended to the City Council approval of Zone Change No. 2009-02, amending the text of Title 17, Zoning, of the City's Municipal Code to add the R2, Medium Density Residential classification and related implementing regulations; and

WHEREAS, the notice of the public hearing for the City Council's consideration of the zoning amendment was duly published and given in accordance with applicable provisions of the California Government Code; and

WHEREAS, the City Council held a duly noticed public hearing on January 19, 2010 at which time all interested parties were given an opportunity to address the City Council on these matters; and

WHEREAS, the City Council has considered the staff report and all documents pertaining to this approval and has considered the comments of City staff, City consultants, and all other interested persons.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

In accordance with State Planning and Zoning law, the City's 2007 General Plan, as amended, the 2007 General Plan Environmental Impact Report, and the relevant provisions of the City of Calexico Municipal Code, and based on substantial evidence in the record, the City Council of the City of Calexico hereby makes the following findings for the approval of Zone Change No. 2009-02:

1. The facts recited above are true and correct and are hereby incorporated herein.

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2. The addition of the R2 residential zoning category is consistent with and furthers the policies, goals, objectives, densities and permitted uses identified in the General Plan.
 - a. *In the 2007 General Plan, Land Use element, the City Council approved a Medium Density Residential designation. The zoning code, as proposed to be amended, would add a medium density residential category, R2, and would add criteria and regulations for development of property located in R2 zones. The criteria and regulations in the zoning amendment incorporate the policies, goals and objectives of the General Plan.*
 - b. *The proposed residential zoning category is consistent with the General Plan as amended, including the Housing Element (as amended). Although the City has not identified any R2 sites in its inventory, any land zoned R2, will provide for densities between 5.1 and 12 dwelling units per acre. The regulations also allow for reduced lot sizes for affordable housing projects meeting the criteria established in Title 17, as amended. Additionally, the R2 zone is intended to bridge the gap between traditional single family homes and high density multifamily attached homes in order to provide greater home ownership opportunities to families within various income ranges.*
3. The proposed Zone Change No. **2009-02** will not be; a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.
 - a. *The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood and area of the proposed Zone Change. The proposed amendments would not permit land uses, densities, or development patterns that would jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of adding the R2 zoning designation and no development within the zone is currently contemplated. Any future development within the R2 zone will be required to comply with the applicable regulations and environmental review.*
4. On May 1, 2007, by Resolution 07-83, the City Council certified an Environmental Impact Report, adopted a Statement of Overriding Considerations and adopted the 2007 General Plan Update. The proposed zoning amendment is consistent with, and implements, the land use designations and regulations identified in the 2007 General Plan and analyzed in the General Plan EIR. Therefore, pursuant to CEQA Guidelines sections 15162, 15168 and 15183, no further environmental review is required.

SECTION 2. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or

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otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications therefore which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

SECTION 3. Title 17 of the Calexico Municipal Code is hereby amended to include the text amendments attached hereto as **Exhibit A**, adding the R2 zone to the City's Zoning Classifications and related implementing regulations.

PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Calexico, California, held on the ____ day of February, 2010

City of Calexico

DAVID OUZAN, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF CALEXICO)

**CITY COUNCIL ORDINANCE FOR
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I LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, CALIFORNIA DO
HEREBY CERTIFY THAT UNDER PENALTY OF PERJURY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF ORDINANCE NO. _____ THAT WAS DULY AND
REGULARLY INTRODUCED AT A REGULAR MEETING OF SAID CITY COUNCIL HELD ON
JANUARY 19, 2010 AND WAS ADOPTED BY SAID CITY COUNCIL AT A REGULAR
MEETING HELD ON _____, 2010, BY THE FOLLOWING VOTE

AYES:
NOES:
ABSENT:
ABSTAIN:

LOURDES CORDOVA, CITY CLERK

SEAL